

FARGO CITY COMMISSION AGENDA
Monday, January 24, 2022 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at www.FargoND.gov/streaming. They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at www.FargoND.gov/citycommission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, January 10, 2022).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Receive and file the following Ordinances:
 - a. Relating to Hotel and Rooming-House Registers.
 - b. Relating to Driving while License Suspended or Revoked – Impoundment of License Plates.
 - c. Relating to the Human Relations Commission.
- 2. 2nd reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Urban Plains by Brandt Second Addition.
- 3. Amendment (First) to Memorandum of Understanding Regarding Airport Officers.
- 4. Applications for Games of Chance:
 - a. Nativity Elementary School PTO for a raffle board on 2/4/22.
 - b. NDSU Saddle and Sirloin Club for a raffle on 2/12/22.
 - c. Muskie's Inc. F-M Chapter for a raffle on 2/10/22.
 - d. North Central Turfgrass Association for a raffle on 2/23/22.
- 5. Pledged securities as of 12/31/21.
- 6. Negative Final Balancing Change Order No. 3 in the amount of -\$222,507.53 for Project No. FM-15-J2.
- 7. Bid advertisement for Project No. PR-22-A.
- 8. State Water Commission request for cost reimbursement for the FM Metropolitan Area Flood Risk Management Project in the amount of \$4,927,025.23.
- 9. Transfer of Tax Increment Financing District No. 2015-01 from 710 Lofts, LLC to 710 Holdings, LLC.
- 10. Agreement for Services with Sara Mwangura.
- 11. Agreement for Services with Tenezee Steele, David Hoffmann, Chad Simmons, Crystal Amundson and Amanda Marinucci.

- Page 12. Agreement for Services with Danek Vega, Brady Jochim, Marilyn Quart, Julia Ressler and Braden Knudtson.
13. Notice of Grant Award from the ND Department of Health and Human Services for Childhood Obesity Prevention (CFDA #93.994).
 14. Notice of Grant Award Amendment from the ND Department of Health and Human Services for Title X Family Planning Program (CFDA #93.217).
 15. Agreement for Services with Kayla Dahlquist.
 16. Notice of Grant Award from the ND Department of Health for increasing TB infection identification and treatment (CFDA #93.116).
 17. Fourth Amendment to Lease Agreement with Dakota UPREIT Limited Partnership/First Center South, LLC.
 18. Master Services Agreement with Phreesia, Inc.
 19. Bid award for junked vehicle removal contract for 2022.
 20. Variance Acknowledgement and Liability Waiver with Huynh Kha Property, LLC for the property located at 1425 Main Avenue.
 21. Catalog of art to be located on City Infrastructure and implementation of the utility box wrap program throughout the City.
 22. Allocation for the 2022 Public Art Program and to proceed with seeking proposals from the community on behalf of the Fargo Arts and Culture Commission.
 23. Subrecipient Agreement with Churches United for the Homeless.
 24. Bid award for the purchase of fuel in the 3rd and 4th quarters of 2022 (RFV22001).
 25. Piggyback Contract with EnviroTech Services for the purchase of AMP salt brine additive for the winter of 2022 (PBC116354).
 26. Extension of the Services Agreement Landscape Maintenance Services with All Terrain Grounds Maintenance for one year (RFP21032).
 27. Change Orders for Project No. SW20-01:
 - a. No. G-004 in the amount of \$1,278.92 (general contract).
 - b. No. E-003 in the amount of \$4,684.17 (electrical contract).
 28. FEMA Building Resilient Infrastructure in Communities grant application for improvements associated with the West Side Interceptor (Project No. WW1905).
 29. Master Utility Agreement with the Metro Flood Diversion Authority (Project No. WW2201).
 30. Bills.
 31. Cost Participation, Construction and Maintenance Agreement with the ND Department of Transportation for reconstruction of 32nd Avenue South from 32nd Street to 22nd Street (Improvement District No. BR-22-A1).

Page 32. Negative Final Balancing Change Order No. 3 in the amount of -\$22,476.90 for Improvement District No. NN-19-A1.

33. Bid award for Improvement District No. BN-22-B1.

34. Create the following Improvement Districts:
a. No. PR-22-E.
b. No. PR-22-G.

REGULAR AGENDA:

35. **RESIDENT COMMENTS (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at FargoND.gov/VirtualCommission).**

36. ***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**

a. Application for a Class "F" Alcoholic Beverage License for BPC Fargo LLC d/b/a Boss' Pizza and Chicken to be located at 228 Broadway North; continued from the 1/10/22 Regular Meeting.

b. EOLA Addition (4410, 4415, 4448, 4470, 4471 and 4474 24th Avenue South, and 4417 and 4477 26th Avenue South); approval recommended by the Planning Commission on 1/4/22:

1. Zoning Change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development.
2. 1st reading of rezoning Ordinance.

37. 2nd reading and final adoption of an Ordinance Relating to Ordinances – Procedure.

38. Recommendation to direct the City Attorney to rewrite Section 18-09 – Excavation Code.

39. Update on the audit of the Municipal Airport Authority.

40. Update on Police Department Personnel.

41. Discuss the formation of a Fargo Police Department Performance Action Plan.

42. Applications for Property Tax Exemptions for Improvements Made to Buildings:

- a. Donald and Susan Morton, 4328 Timberline Drive South (3 year).
- b. Nicole and Kelan Oster, 2127 Rose Creek Drive South (3 year).
- c. Jade and Laney Witty, 1529 Broadway North (5 year).
- d. Kevin and Kristina Lau, 1118 9th Street South (5 year).
- e. Melissa and Aaron Rohrich, 1212 7th Street South (5 year).

43. Appointment to the Renaissance Zone Authority.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310 at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo website at www.FargoND.gov/citycommission.



MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Boss' Pizza

DATE: January 20, 2022

The following application for a liquor license transfer was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: F Full alcohol, food sales must exceed alcohol, no bar
Business Name: Boss' Pizza
Location: 228 Broadway North
Applicants: Jeremy Seefeldt, Lisa Knoell, Tamera Garrett (Asst. Manager)

The application first came to Liquor Control in December 2021, concerns were raised regarding Ms. Knoell's prior drug use and recent charges for paraphernalia possession. Chief Zibolski recommended denial. On a 2-2 split vote the motion to issue the license was defeated. On a 4-0 vote the motion to table the application until January was approved, this will allow the applicant to submit a new manager for consideration.

During the investigation it was revealed that Ms. Knoell is intended to be a 35% partner in the Fargo operation and Ms. Garrett will be the Asst. Manager until fully trained.

The complete application is available for review in the Auditor's Office.

Motion Options include:

Move to approve the issuance of a Class F alcoholic beverage license to BPC Fargo LLC d/b/a Boss' Pizza and Chicken to be located at 228 Broadway North as originally presented.

Move to DENY the issuance of a Class F alcoholic beverage license to BPC Fargo LLC d/b/a Boss' Pizza and Chicken.

Move to approve the issuance of a Class F alcoholic beverage license to BPC Fargo LLC d/b/a Boss' Pizza and Chicken to be located at 228 Broadway North with Lisa Knoell removed from the ownership and Tamera Garrett as manager.

From: Boss Pizza and Chicken <jeremy.seefeldt@gmail.com>
Sent: Wednesday, December 15, 2021 10:04 AM
To: Steve Sprague
Subject: Re: FW: Liquor Control Special Meeting
Attachments: Lisastory.jpg

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Thank you for the opportunity today. It has come to my attention that the officer in charge of recommending us or not recommending us for a liquor license has some issues with the liquor manager that I have named for this location, Lisa Knoell. While I can understand someone that doesn't know her very well being concerned about someone with her background, I want to say a few things about Lisa.

When my company first hired Lisa as a delivery driver back in 2014 in Lincoln, Nebraska, she was a full-on meth addict, and had been for 15 plus years. We obviously didn't know that when we hired her, but came to realize it both by her behaviors, and when we caught her stealing and terminated her employment. Several months later, the manager of the store in Lincoln called me, and told me that Lisa had come back and apologized, paid the small amount she stole back, and explained that she was now sober and would really appreciate another chance. We were struggling for staff at that point, and even though I was extremely pessimistic about this employee that I barely knew actually being sober and not being a threat to steal again, I am a big believer in second chances, and I told the General Manager that he could give her another shot, but he needed to watch her closely.

A few months after that, that General manager actually had an assistant manager job open up. He came to me and said that he actually thought Lisa might be the right person for that job. She was sober, and she was an absolutely fantastic employee. She'd help out whenever necessary, and she was extremely knowledgeable. He said that she was a completely different person since she'd been sober. I trusted this GM, and so I reluctantly agreed to make her the new assistant manager at that location. I drove to that store for a manager meeting once every two weeks, so over the course of the next year or so I really got to know Lisa from the meetings. She was incredibly observant, knew how to solve problems, and it became apparent to me that the staff respected and listened to her, and worked for her, and had loyalty to her. That store during that time became the best store in the company in a lot of metrics, including sales per hour and food and labor cost. I gave a lot of credit to the GM, Mike, because he'd worked for me for a long time and I trusted him, but I also thought Lisa was a big part of it. When the General Manager job opened at my west Sioux Falls location, which was currently my problem store at the time, I offered the job to Lisa if she was willing to move to Sioux Falls. Despite living her entire life in the Lincoln area, she was excited for the opportunity and agreed to move to Sioux Falls. She was still clean, she was proving who she could be as a sober person, and she was getting the opportunity to run her own store. I signed a lease for her on a place in Sioux Falls (because she couldn't get one on her own), and she moved up north.

Well, two things happened. Over the course of the next nine months, Lisa turned the worst store in the company to the best store in the company in terms of food cost, labor cost, sales per hour, and customer service rating. And the Lincoln store fell to the absolute bottom of the standings of all my stores. Lisa's management style was incredible, and her talent was something I just don't find very often running this business. When you own a restaurant, specifically a pizza place, very often what you find in this business is that your most talented people have baggage, because if they didn't have baggage, they'd be a president of a bank or own their own business already, or have moved their way up the corporate ladder of a bigger business that can pay them more than this. Lisa was the epitome of this-she was as talented of a manager as I'd ever had, and her baggage was that she was a recovering meth addict! I've seen my fair share of meth addicts both in the news and that have worked at my locations over the years, and meth addicts never recover for good...or so it seemed. But Lisa had the most talent and the most baggage of anyone that had ever worked for me. She never stumbled...her life had changed, and she didn't want to go back to it. Her relationship with her daughter was better. She wasn't making much headway on the massive medical bills she owed, but she always had a

little money, and didn't have to ever worry about where she was living or if she'd go hungry. She was finally comfortable. She was happy, and meth had no part in that and she never wanted it again.

Page 6

In December 2019 I needed to replace the operating partner that I had placed at the Grand Forks location, so I terminated him, and needed to find someone I trusted to run that location. My first call was Lisa. To say that was a good decision would be a major understatement. Lisa moved into a hotel room in the Baymont Inn, which is where the pizza place is located, across from the Alerus Center, so she could stay on top of the business at all times and be able to run to the store and help at any time. She still lives in that hotel so she can be 30 seconds away to come help at any given time. During Lisa's tenure as operating partner there, that store has become the standard by which all of our other Boss' stores are judged by. They are number one in every single category we track, including sales, food cost, labor cost, customer service ratings, phone call score ratings and employee turnover rate. Lisa has built a culture of accountability that also motivates all managers and employees to look at the business as something that is personally important to them. She has not had a manager quit that location. She has developed several managers that I have used to help train or manage at other stores when I need them. She has done such a good job of what she has built, that I'll often have her come work at other stores in my company for weeks at a time to help develop my new managers and help them see the things that we're doing in Grand Forks that are working, and her Grand Forks location doesn't miss a beat while she's gone. I should mention that the Grand Forks location and the Lincoln location both have beer and wine licenses, and we've never had trouble at either location in any of the time that Lisa has worked there (or any other time for that matter). For what it's worth, Lisa has dug herself almost completely out of debt that I guarantee you that 3 years ago she would have told you she would NEVER be able to pay back (she actually did tell me that). She has used some of her earnings to buy a larger percentage of the business for herself in Grand Forks. To say that she's an incredible success story would be a major understatement.

Lisa is the best employee and manager that I've ever had in my company in 17 years, and she's a little ways ahead of a couple others that are great stories as well. I'm not just saying that because of these proceedings, you can ask any of my friends, my wife, or other people near the top of my company, as they'd say they've heard me say that or they would say the same thing. Lisa's talent and ability is a big part of why I think this location in Fargo, especially with where it's located and the potential of Fargo, will be the crown jewel of all of our Boss' stores. I know Lisa will find and develop people to be great employees and managers. I know that they'll become loyal to Lisa and respect her as a manager, and be appreciative of how much she cares about them as people and employees. I know that she'll find a way to manage an incredibly busy business and come up with ideas that help us handle that and still maintain great service. And without a shadow of a doubt, I know that she would be the best person to make sure we never do anything to put our liquor license at risk, or do anything non-compliant that would put our customers or ourselves at risk. I also know that her relationship with our staff will ensure that they care about that as well.

If you'd like, I can put someone else's name on the liquor manager license. At least 2 of the employees that Lisa has developed into amazing assistant managers in Grand Forks will be moving to Fargo to help with this store. We need a liquor license to be competitive with the other pizza places downtown, and I'll do whatever you need me to do to make sure I have someone on the liquor license paperwork that is a manager that you are comfortable with. But I can assure you, whoever's name is on that piece of paper, no one will be more concerned about it and make sure we don't do anything to screw it up, than Lisa.

We take these things very seriously...I run 2 bars with liquor in Sioux Falls and Rapid City currently, and all but 2 of my locations has at least a beer license. I have had Lisa and the other person that we are going to make the GM of this Fargo location training at both of those bars in the last 3 months to ensure that they know the policies and procedures of running a liquor license responsibly. Liquor is not going to be our big money maker, but someone being able to get a drink at my location will certainly make it more likely that they'll stop in for some food. Lisa will be living in an apartment above the location so she can be there for anything that comes up, and Cody Jevne, the person we are hiring as GM, will live in an apartment up there as well. We will not do anything to put that license in jeopardy, I can assure you.

Thank you for your time,



Fargo Police Department

To: Chief David Zibolski

From: Sergeant Carlos Nestler

Date: January 13, 2022

RE: Liquor License Application (Boss' Pizza and Chicken)--Amended

**Application for a Class "F" Alcoholic Beverage License for
BPC Fargo LLC d/b/a: Boss' Pizza and Chicken to be located at 228 Broadway North.**

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation I examined the applicants' credit reports and public records criminal background.

The following information was discovered through this investigation:

Seefeldt, Jeremy Lee – Owner

Criminal History-

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (<https://chs.state.mn.us/>) showed no criminal activity. South Dakota does not have a free public records search, but I did a generic internet search and did not find anything of concern. He stated on his application he has not been convicted of a crime.

Credit History-

Jeremy L. Seefeldt's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.



Fargo Police Department

Knoell, Lisa Marie – Owner/Manager

Criminal History-

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (<https://chs.state.mn.us/>) showed the following criminal activity:

1. 2021 Conviction for Possession of MJ Drug Paraphernalia. (Infraction, deferred imposition of sentence) Grand Forks Municipal Court. Disclosed on her application.

Lisa Knoell listed the following on her application (South Dakota and Nebraska do not have a free public court records search available):

1. DUS around 2005 in Lincoln, NE
2. 2006 Possession of Controlled Substance in Lincoln, NE
3. 2019 Possession of Drug Paraphernalia in Sioux Falls, SD.

Credit History-

Lisa M. Knoell's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections. Her application states she filed for bankruptcy in 1999 or 2000 in Nebraska. The bankruptcy did not show-up on her credit history.

Garrett, Tamara Maristel – Assistant Manager

Criminal History-

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (<https://chs.state.mn.us/>) showed the following criminal activity:

1. DUI B Misdemeanor. January 2, 2007. Cass County Dist. Court
2. Possession of Drug Paraphernalia. A Misdemeanor January 11, 2007 Cass County Dist. Court (Possession of MJ was dismissed) Deferred Imposition of Sentence



Fargo Police Department

Credit History-

Tamara M. Garrett's credit report was reviewed. There are no prior bankruptcies. Her credit report showed the following:

1. Auto loan was 120 days past due in 2019, it is now paid.
2. Medical bill turned over to collections in 2019/2020 for \$797
3. Property Management bill turned over to collections in 2019/2020 for \$3,146.
4. Wireless phone bill turned over to collections in 2019/2020 for \$1,063.

Investigation Notes

This application is for a Class "F" alcoholic beverage license (authorizes the licensee to sell "on-sale" only served at a table or booth; no bar allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages) for BPC Fargo LLC d/b/a: Boss' Pizza and Chicken to be located at 228 Broadway North.

Jeremy Seefeldt

I spoke to Jeremy Seefeldt by phone on December 8th. I asked him about being the manager of the restaurant because he filled-out a page of the application for the Operator/Manager Information. Jeremy said he lives in South Dakota and the primary, on-site manager will be Lisa Knoell. Jeremy told me Lisa is renting an apartment above the restaurant.

Lisa Knoell

I spoke to Lisa Knoell by phone on December 8th. I asked Lisa if she has ever used any other names and she said she has not. We talked about her 2006 Possession of Controlled Substance arrest. She was arrested for a felony, possession of methamphetamine, but it was a diversion, so she was never convicted of the charge. She went into treatment. Lisa told me she has not used meth for over five years. She also told me she rarely drinks alcohol and if she does, she only has one or two drinks.

I asked Lisa about her 2019 Possession of Drug Paraphernalia conviction in Sioux Falls, SD. She said it was for a marijuana pipe, a misdemeanor. She was fined \$100.



Fargo Police Department

Lisa told me she currently has a valid South Dakota driver's license. She has been working and living in Sioux Falls for the past two weeks. She will be moving to Fargo in January of 2022. She said she will get a North Dakota driver's license in January, after she moves to Fargo.

Tamara Garrett

I spoke to Tamara Garrett by phone on January 13, 2022. Tamara's name has been Tamara Garrett since birth. She has never gone by any other name. I asked her about her DUI and Possession of Drug Paraphernalia charge on December 30, 2006. She said they dismissed the Possession of Controlled Substance (MJ) charge and the paraphernalia charge was a deferred imposition of sentence, which I confirmed with ND Court Public Search. This conviction should not be on her actual criminal record.

I noticed Tamara was arrested in 2018 for a Contempt of Court warrant. She said it was from a civil custody hearing where she was not supposed to be living with her boyfriend after the hearing. Her boyfriend did live with her after the hearing, so she was ordered to spend 4 days in jail for the contempt of court charge.

Tamara said she is working on improving her credit. She had an auto loan which was 120 days past due in 2018/2019. The loan is now listed as being paid in full. In 2019, she had 3 accounts sent to collection agencies; a medical bill, property management bill and a wireless phone bill. Tamara said she has been paying the bills and hopes to be done with them soon. She said the property management bill was a charge for damages after she moved out of her apartment and moved to Grand Forks, ND.

I asked Tamara about her role in the new restaurant in Fargo. She said she will be an assistant manager, with Lisa Knoell being the owner/operator. She said Lisa will be training her to get her comfortable with managing the business. Since Lisa is the part owner of the Fargo and Grand Forks restaurants, she will probably be spending time at both restaurants. Tamara explained to me the title of "Assistant Manager", which she wrote on the application, is a true depiction of what she will be doing. She will be assisting the owner, Lisa Knoell, with managing the restaurant.

The investigation into the credit history of the applicants did not find any concerning issues related to their credit, with the exception of Tamara Garrett's three accounts sent to collections. Lisa Knoell's criminal convictions are Driving Under Suspension and two recent



Fargo Police Department

Possession of Drug Paraphernalia (MJ) charges. Tammy Garrett's criminal convictions occurred over 15 years ago. I could not find any criminal convictions for Jeremy Seefeldt.

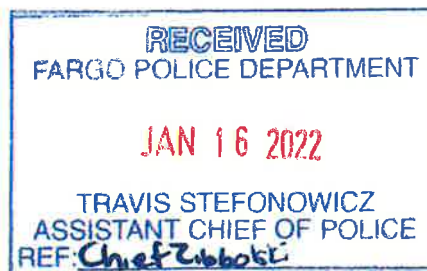
Business Location

Boss' Pizza and Chicken will be located at 228 Broadway North. Other businesses in the area with an alcoholic beverage license are; Rooter's Bar, Sports Bar, VFW, Taco Shop, Twist, The Boiler Room, Teddy's, Sammy's Pizza, Spicy Pie, Dempsey's Public House and Wurst Bier Hall.

Conclusion

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

Carol W. Mott 086



LIQUOR CONTROL BOARD
December 15, 2021 1:30 P.M.

Present: Commissioner Piepkorn, Kay Schwarzwalter, John Stibbe, Lydia Tackett,
Absent: Robert Nelson
Others Present: Police Chief David Zibolski, City Auditor Sprague, City Attorney Nancy
Morris, Rick Carik, Rick's; Duane Litton, Duffy's; Jim Swanick Empire
and other interested parties.

Meeting was called to order at 1:30 P.M.

1. Commissioner Piepkorn called the meeting to order and asked if there were any additions or corrections to the minutes of November 17, 2021 and the special meeting December 13, 2021. There were no additions or correction to the minutes of November 17, 2021 and the special meeting December 13, 2021. Moved by Tackett, seconded by Schwarzwalter to approve the minutes of November 17, 2021 and the special meeting December 13, 2021 of the Liquor Control Board all voted in favor, motion passed unanimously.
2. A. Application to issue a Class F alcoholic beverage license to BPC Fargo LLC d/b/a Boss' Pizza & Chicken to be located at 228 Broadway.

Chief Zibolski commented there are no concerns with owner Jeremy Seefeldt, however, he has serious concerns with the manager Lisa Knoell. Ms. Knoell self reported a 2019 Possession of Drug Paraphernalia in South Dakota and there was a 2021 conviction for possession of MJ Drug Paraphernalia in Grand Forks. Due to the recent nature of these charges along with the drug use history, even though they were disclosed, the potential risk to the business and the citizens is greater than the Chief can recommend. Chief Zibolski is recommending denial.

Mr. Seefeldt spoke at length regarding Ms. Knoell, her meth addiction, employment history and getting a second chance. Once she got a second chance she has dedicated herself to the company that gave her that opportunity. She has become the companies best employee and has repeatedly turned the most underperforming store in the company into the top performing store. Jeremy said they take liquor licensing seriously and would never do anything to jeopardize the ability to hold a liquor license. Ms. Knoell said she is appreciative of the opportunity Boss' Pizza has given her and she would never do anything that would hurt the company.

Commissioner Piepkorn indicated another manager without the recent history shown here would be appreciated, this will set a precedent. Schwatzwalter said she has a vision for downtown where the saturation of alcohol licenses is reduced; we need to consider the number of licenses in the downtown area. Citizens need to feel safe, businesses need to be successful. Tackett commented Lisa has made great strides and become invaluable to the business, she questioned the various laws between states, she said she would support Lisa being on the liquor license; perhaps marijuana laws in

South Dakota are not as severe as North Dakota. Stibbe questioned the rules on infractions. Chief Zibolski responded with narcotics it is two or more incidents in two years. The Grand Forks incident there was marijuana however she was only charged with paraphernalia, she was also stopped in South Dakota with the same type incident. His experience shows you open yourself to potential of drug issues.

Moved by Stibbe, seconded by Piepkorn to approve the issuance of the alcoholic beverage license pending a new manager. Voting in favor Piepkorn, Stibbe; voting against, Schwarzwalter, Tackett. Motion fails for lack of majority vote.

Moved by Stibbe, seconded by Tackett to table the application until the January Liquor Board meeting. Motion carried unanimously.

3. Sprague reported the annual liquor audits have been completed, the auditors checked on 32 licenses, 31 were in compliance, the one that not in compliance was determined to not need to be audited. Sprague was happy to report there were no businesses not in compliance with the ordinances.
4. Chief Zibolski discussed the monthly reports. Stibbe commented that he was happy to see officers patrolling in the downtown area. Tackett said she reviewed the reports to see if there were some red flags, she thought there were a high number of fights, is this a higher frequency. Chief responded they are rolling out new technology that will allow them to track trends in areas; it will help analyze obvious trends where there is over serving and bouncer issues. Schwarzwalter would like to move forward with three areas, she is wondering the process for bringing ideas forward. Morris replied, a motion from the Board to seek city Commission direction to change ordinances. Schwarzwalter would like to engage the bar owners in how we can improve safety. Chief responded we are meeting with bar owners trying to set up Uber pick up areas, could there be training that could be offered? Bar fights generate a multitude of issues.

There being no further business to come before the Liquor Control Board, the meeting was adjourned at 2:06 p.m.

366

| City of Fargo Staff Report | | | |
|--------------------------------|---|--------------------------------|---|
| Title: | EOLA Addition | Date: Update: | 12/28/2021 1/19/2022 |
| Location: | 4410, 4415, 4448, 4470, 4471, and 4474 24th Avenue South and 4417 and 4477 26th Avenue South | Staff Contact: | Maegin Elshaug, Planning Coordinator |
| Legal Description: | Lots 1-2, Block 1 and Lots 1-5, Block 2, EOLA Addition | | |
| Owner(s)/Applicant: | MAKT, LLC& EOLA Landholdings LLC / EPIC Companies | Engineer: | N/A |
| Entitlements Requested: | Zoning Change (from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay) | | |
| Status: | City Commission Public Hearing: January 24, 2022 | | |

| Existing | Proposed |
|--|---|
| Land Use: Vacant | Land Use: Mixed-use Development |
| Zoning: GC, General Commercial with a PUD Overlay | Zoning: GC, General Commercial with a modified PUD Overlay |
| Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair , limited vehicle service , aviation , surface transportation , and major entertainment events. Plus a PUD allowing Residential use | Uses Allowed: no change |
| Maximum Density Allowed: 70 units per acre | Maximum Density Allowed: no change |
| Maximum Lot Coverage Allowed: 85% maximum building coverage | Maximum Lot Coverage Allowed: no change |

Proposal:

The application is for a zoning change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay. The applicant is proposing to amend two items within the overlay, which is discussed below.

In May 2021, the EOLA Addition PUD, Planned Unit Development was approved by the City Commission, which included a major subdivision, zoning change, and PUD Master Land Use Plan. The Planning Commission reviewed those applications at the March and May 2021 Planning Commission meetings. More recently, at the October 5, 2021 meeting, the Planning Commission reviewed and approved the PUD Final Plan for the project. The existing PUD overlay is Ordinance 5300.

The applicant has applied to amend two provisions the PUD overlay in order for greater design flexibility: building height and variation of the building parapet. The applicant is requesting the amendment to provide flexibility in building height to allow up to 130 feet (or ten stories) and to remove the requirement for parapet variation at the top of the building façade. Below shows the two portions of the existing overlay with the modifications in red text:

- Height: The maximum building height for the overall development and within the proximity of residentially zoned property shall be ~~85~~ **130** feet.
- Additional Standards
 - Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall, ~~and such parapets shall not be of a constant height for a distance of greater than 150 feet.~~

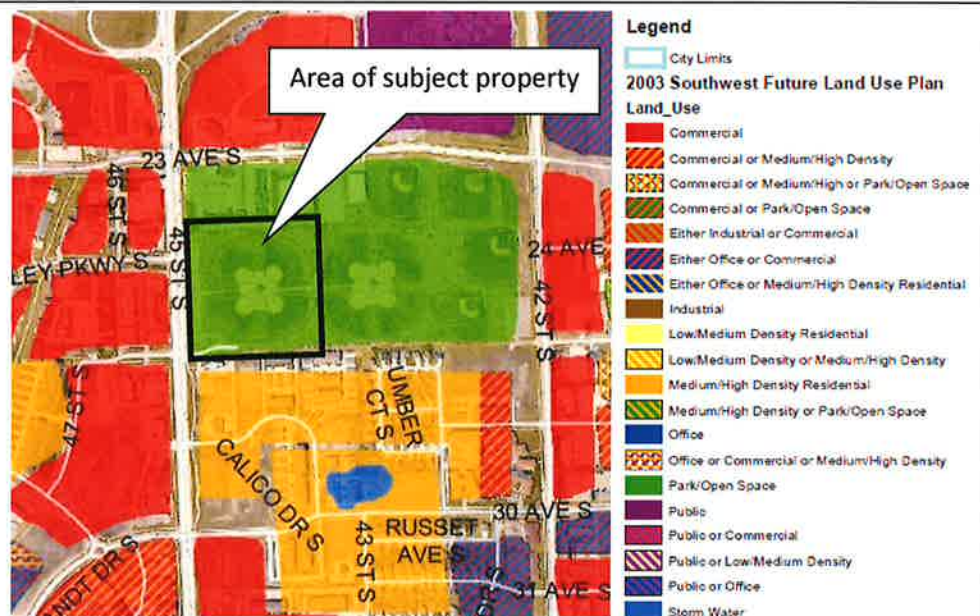
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial and P/I, Public and Institutional, with uses of commercial and the Fargo Park District's Southwest Youth Ice Area;
- East: P/I and the remainder of the Anderson Softball Complex;
- South: LC, Limited Commercial and MR-2, Multi-Dwelling Residential with uses of commercial and apartments;
- West: Across 45th Street South is GC with commercial use.

Area Plans:

The subject property is located within an area identified as the 2003 Southwest Area Plan as contained within the *Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo*. The property was rezoned to GC, General Commercial with a C-O, Conditional Overlay in 2014. While this plan indicates the property for park/open space, a growth plan amendment was contemplated at the time and was ultimately concluded that, due to the general land use pattern of the area, not necessary. The base zoning district of GC is not changing with this application.



Context:

Neighborhood: Anderson

Schools: The subject property is located within the West Fargo School District, specifically within the Freedom

Elementary, Liberty Middle and Sheyenne High schools.

Parks: The subject property is located adjacent to the remainder of the Anderson Softball Complex.

Pedestrian / Bicycle: A shared use facility is located on the east side of 45th Street South and connects to the metro area trail system.

Transit: MAT Bus Route 24 runs along 23rd Avenue South. A bus stop is located approximately two blocks east of 45th Street, located less than a quarter-mile from the subject property.

Staff Analysis:

Zoning

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. The PUD zoning is an overlay with an underlying zoning district of GC, General Commercial. The proposed PUD Overlay zoning district is intended to accommodate the development of this property and specifically identify the proposed development with a master land use plan, final plan and zoning ordinance. The requested amendment provides some flexibility within the development, allowing the structures to be built up to 130 feet (or ten floors) and the removal of the requirement for parapet variation at the top of the building façade. **(Criteria Satisfied)**

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property is adjacent to existing developed public rights-of-way, which provide access and public utilities to serve the property. **(Criteria Satisfied)**

3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has not received any comment or inquiry. Staff finds that the proposal will not adversely affect the condition or value of the property in the vicinity. **(Criteria Satisfied)**

4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed amended PUD overlay is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, the 2003 Southwest Area Plan, and other adopted policies of the City. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on the first reading, and move to approve the zoning change from GC, General Commercial with a PUD, Planned Unit Development Overlay, to GC, General Commercial with an amended PUD, Planned Unit

Development Overlay, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, the 2003 Southwest Area Plan, Standards of Section 20-0906.F (1-4), and all other applicable requirements of the LDC."

Planning Commission Recommendation: January 4, 2022

At the January 4th, 2022 Planning Commission meeting, with a vote of 6-0 with two Commission members absent and three Commission seats vacant, the Planning Commission moved to accept the findings and recommendations of staff and recommended approval to the City Commission the proposed zoning change from GC, General Commercial with a PUD, Planned Unit Development Overlay, to GC, General Commercial with an amended PUD, Planned Unit Development Overlay, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

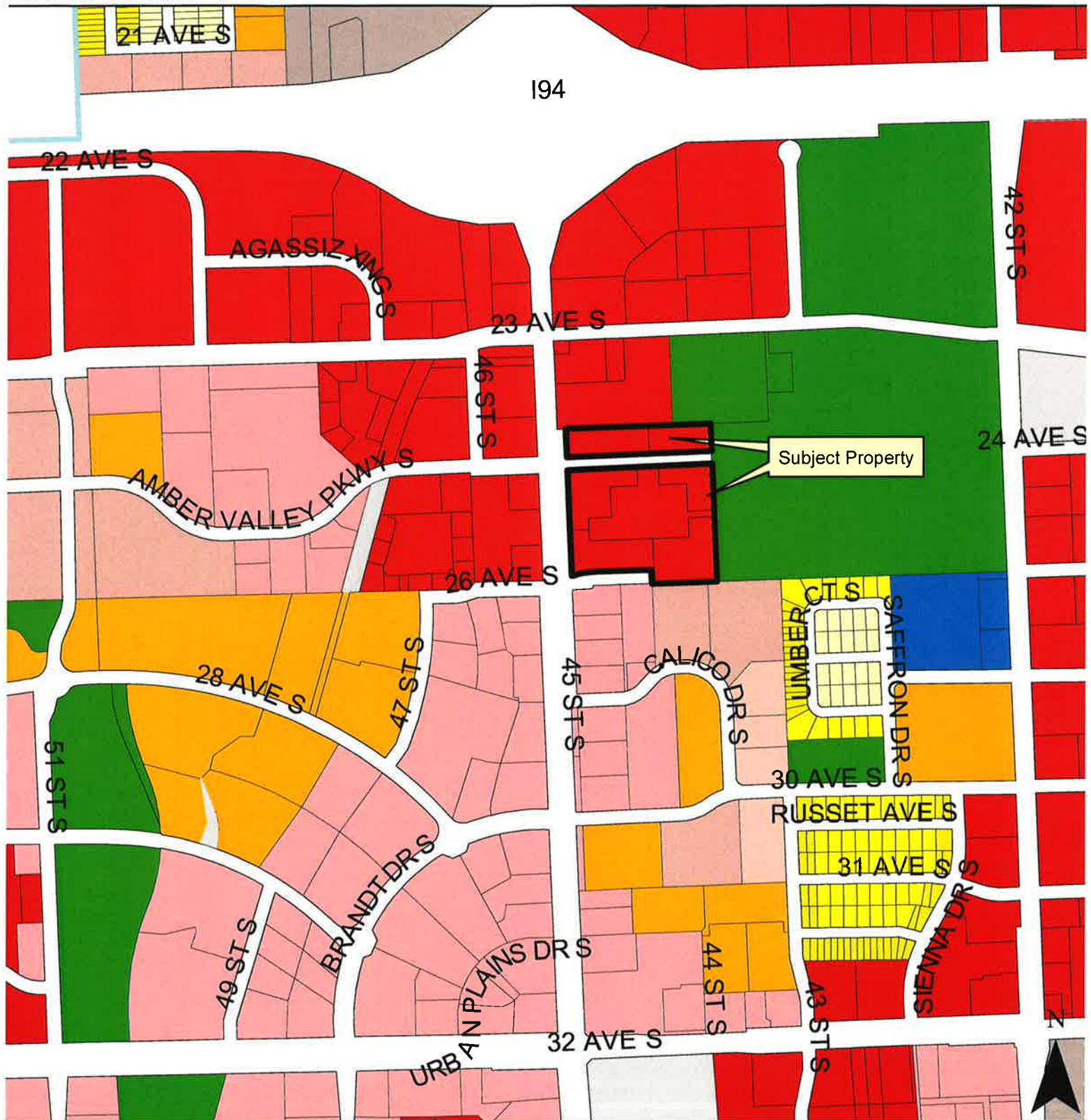
Attachments:

1. Zoning Map
2. Location Map

Zone Change (GC with a Planned Unit Development [PUD] Overlay to GC with a Planned Unit Development [PUD] Overlay)

EOLA Addition

4410, 4415, 4448, 4470, 4471, 4474 24th Avenue S;
4417 & 4477 26th Avenue S



Zone Change (GC with a Planned Unit Development [PUD] Overlay to GC with a Planned Unit Development [PUD] Overlay) EOLA Addition

4410, 4415, 4448, 4470, 4471, 4474 24th Avenue S;
4417 & 4477 26th Avenue S



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

31662

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN EOLA ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in EOLA Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on January 4, 2022; and,

WHEREAS, the rezoning changes were approved by the City Commission on January 24, 2022,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property:

Lots One (1) through Two (2), Block One (1), and Lots One (1) through Five (5), Block Two (2) of EOLA Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "GC", General Commercial, District, with a "PUD", Planned Unit Development, District, as established by Fargo Municipal Ordinance No. 5300, to "GC", General Commercial, District, repealing and replacing the "PUD", Planned Unit Development, District, as follows:

A. Allowed Uses.

1. In addition to the uses allowed within the "GC", General Commercial zoning district, residential use shall also be allowed.

B. Residential Density.

1. The maximum residential density allowed shall be seventy (70) units per acre.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
- C. Parking. The following parking requirements are as follows:
1. 1.16 parking spaces per residential unit;
2. 1 space per 230 square feet for commercial uses of retail, office, and restaurant;
3. Parking can be located anywhere in the development; and
4. All other parking requirements shall be governed by the Land Development Code.
- D. Setbacks.
1. A reduction to 10 feet on the front, side street, and rear setback.
- E. Landscaping.
1. The parking lot buffer requirement shall be waived.
2. Perennial open space plant units shall be increased to a maximum of 40% of the requirement.
3. Open space plant unit placed in the front and street side shall be reduced to 25%.
4. Open space plant units may be located collectively within the development.
5. For purposes of determining open space plant units, active recreation area square footages shall be excluded from calculations.
6. At the final phase of development, all required open space plant units will be verified. Landscaping will increase with review of phased PUD Final Plans. Landscape plans will be submitted with each Final Plan for internal review.
- F. Height.
1. The maximum building height for the overall development and within the proximity of residentially zoned property shall be 130 feet.
- G. Open Space.
1. The development shall have a minimum of 20% open space.
- H. Additional Standards.
1. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; or glass. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 2. Color schemes shall tie building elements together, relate pad buildings within
2 the same development to each other, and shall be used to enhance the architectural
3 form of a building.

4 3. All building façades greater than 150 feet in length, measured horizontally,
5 shall incorporate a varied material palette. The varied material palette shall be
6 configured whereas the primary material and color shall not exceed 50% of the
7 building façade, the secondary material and color shall not exceed 30% of the
8 building façade, tertiary material and color shall not exceed 20% of the building
9 façade, and any other materials and/or colors shall not exceed the percentage of
10 the tertiary material. Material square footage shall be inclusive of all glazing and
11 door openings as well as deck projections.

12 4. Ground floor façades that face public streets shall have arcades, display
13 windows, entry areas, awnings, or other such features along no less than 60% of
14 their horizontal length. If the façade facing the street is not the front it shall
15 include the same features and/or landscaping in scale with the façade.

16 5. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from
17 public view by parapets, including but not limited to the back of the structure.
18 The average height of such parapets shall not exceed one third of the height of the
19 supporting wall.

20 6. Loading facilities shall not be located at the front of structures where it is
21 difficult to adequately screen them from view. All loading and service areas shall
22 be screened from the view of adjacent public streets and public parks through a
23 structure and/or landscaping.

7. Dumpsters and outdoor storage areas must be completely screened from view.
Collection area enclosures shall contain permanent walls on three (3) sides with
the service opening not directly facing any public right-of-way or residentially
zoned property. The fourth side shall incorporate a metal gate to visually screen
the dumpster or compactor.

8. Separate vehicular and pedestrian circulation systems shall be provided. An on-
site system of pedestrian walkways shall be designed to provide direct access and
connections to and between the following:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

- a. The primary entrance(s) to each commercial building, including pad site buildings.
- b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
- c. Parking areas or structures that serve each primary building.
- d. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
- e. Any public sidewalk system along the perimeter streets adjacent to the development.
- f. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, parks, retail shopping centers, and office buildings.

I. The following uses are prohibited:

1. Detention facilities;
2. Adult entertainment center;
3. Off-premise advertising signs;
4. Portable signs;
5. Vehicle repair;
6. Industrial service;
7. Manufacturing and production;
8. Warehouse and freight movement; and
9. Aviation/surface transportation.

Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 Section 3. This ordinance shall be in full force and effect from and after its passage and
2 approval.

3
4
5
6 (SEAL)

Timothy J. Mahoney, M.D., Mayor

7 Attest:
8

9
10 _____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

37

AN ORDINANCE ENACTING SECTION 1-0210
OF ARTICLE 1-02, OF CHAPTER 1 OF THE FARGO MUNICIPAL CODE
RELATING TO ORDINANCES - PROCEDURE

WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Century Code; and,

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and,

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purposes; and,

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement certain procedures by which the Board of City Commissioners might propose either enactment or repeal of a city ordinance to be determined by vote of the City electorate at a special or regular city election by the adoption of this ordinance;

NOW, THEREFORE, Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. Enact.

Section 1-0210 of Article 1-02 of Chapter 1 of the Fargo Municipal Code is enacted as follows:

1-0210. Procedure in passing ordinances by city electorate. Notwithstanding the procedure in passing ordinances, signing and attesting as set forth in this article, proposals for enactment of an ordinance may be submitted to the voters by adoption of a resolution approved by a majority of all members of the governing body. The resolution must contain the proposed ordinance and the resolution shall be published in the official newspaper of the city at least 60 days prior to the election at which the matter will be decided. The proposal must be submitted to the voters at the next city-wide election occurring at least 60 days after publication of the resolution in the official newspaper of the city. The ballot question shall be "Shall such ordinance be approved?" If there is a majority of "Yes" votes of those voting on the matter, the ordinance shall become effective ten days after the election results are certified except as to an ordinance imposing any penalty, fine, imprisonment, or forfeiture

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

for a violation of its provisions, in which case the title and penalty clause of the ordinance shall be published in one issue of the official newspaper of the city and it shall take effect and be in force from and after the publication thereof unless otherwise expressly provided therein. If the "No" votes are in majority, the ordinance is rejected. The proposal may enact a new ordinance, may amend an existing ordinance, may repeal an existing ordinance, or it may propose any combination thereof.

Section 2. Effective Date.

This ordinance shall be in full force and effect from and after its passage and approval.

Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

First Reading:
Second Reading:
Final Passage:

Steven Sprague, City Auditor

{{[REDACTED] VERSION – December 28, 2021}}
AN ORDINANCE ENACTING SECTION 1-0210
OF ARTICLE 1-02, OF CHAPTER 1 OF THE FARGO MUNICIPAL CODE
RELATING TO ORDINANCES - PROCEDURE

WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Century Code; and,

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and,

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purposes; and,

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement certain procedures by which the Board of City Commissioners might propose either enactment or repeal of a city ordinance to be determined by vote of the City electorate at a special or regular city election by the adoption of this ordinance;

NOW, THEREFORE, Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. Enact.

Section 1-0210 of Article 1-02 of Chapter 1 of the Fargo Municipal Code is enacted as follows:

1-0210. Procedure in passing ordinances by city electorate. Notwithstanding the procedure in passing ordinances, signing and attesting as set forth in this article, proposals for enactment of an ordinance may be submitted to the voters by adoption of a resolution approved by a majority of all members of the electorate. ~~Proposals for enactment of an ordinance may be submitted to the voters by adoption of a resolution approved by a majority of all members of the governing body.~~ The resolution must contain the proposed ordinance and the resolution shall be published in the official newspaper of the city at least 60 days prior to the election at which the matter will be decided. The proposal must be submitted to the voters at the next city-wide election occurring at least 60 days after publication of the resolution in the official newspaper of the city. The ballot question shall be "Shall such ordinance be approved?" If there is a majority of "Yes" votes of those voting on the matter, the ordinance shall become effective ten days after the election results are certified except as to an ordinance imposing any penalty, fine, imprisonment, or forfeiture for a violation of its provisions, in which case the title and penalty clause of the ordinance shall be published in one issue of the official newspaper of the city and it shall take effect and be in force from and after the publication thereof unless otherwise expressly provided therein. If the "No" votes are in majority, the ordinance is rejected. The proposal may enact a new ordinance, may amend an existing ordinance, may repeal an existing ordinance, or it may propose any combination thereof.

Section 2. Effective Date.

This ordinance shall be in full force and effect from and after its passage and approval.

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

(38)

Type: Excavation Ordinance Rewrite

Date of Hearing: 12/20/2021

Routing

City Commission
PWPEC File
Project File

Date

1/24/2022
X
Kevin Gorder

The Committee reviewed a communication from Division Engineer, Kevin Gorder, regarding a rewrite of the Excavation Ordinance.

The last major rewrite of Article 18-09 Excavation Code occurred in 1990 with a few revisions in 1998 and 2016. The technology and methods have changed considerably since the 90's as well as public expectations regarding impacts to travel. Engineering feels an update is needed to address some of the changes in technology and methods used as well as considering a fee structure based on length of impact to encourage a reduction in the duration of the excavation.

Staff is seeking approval to authorize the City Attorney to rewrite Section 18-09 Excavation Code.

On a motion by Nicole Crutchfield, seconded by Kent Costin, the Committee voted to recommend authorizing the City Attorney to rewrite Section 18-09 Excavation Code.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and authorize the City Attorney to rewrite Section 18-09 Excavation code.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: N/A

Developer meets City policy for payment of delinquent specials
Agreement for payment of specials required of developer
Letter of Credit required (per policy approved 5-28-13)

| Yes | No |
|-----|----|
| N/A | |
| N/A | |
| N/A | |

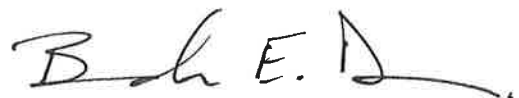
COMMITTEE

Tim Mahoney, Mayor
Nicole Crutchfield, Director of Planning
Steve Dirksen, Fire Chief
Bruce Grubb, City Administrator
Ben Dow, Director of Operations
Steve Sprague, City Auditor
Brenda Derrig, City Engineer
Kent Costin, Finance Director

| Present | Yes | No | Unanimous |
|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

ATTEST:

C: Kristi Olson



Brenda E. Derrig, P.E.
City Engineer

Memorandum

To: Members of PWPEC
From: Kevin Gorder, Division Engineer
Date: December 13, 2021
Re: Excavation Ordinance Rewrite

The last major rewrite of Article 18-09 Excavation Code occurred in 1990 with a couple minor revisions in 1998 and 2016. The revision in 2016 was an adjustment to the bond amount and eliminated performance deposits. The technology and methods have changed considerably since the 90's and an update is needed to address some of the changes in technology and methods currently used.

Since the last revision to this Article the expectations of the public have also changed. Currently the expectation of the public is to minimize the impacts as they travel around town. Impacts to the public include delay when lane closures are in place. Impacts to the public also include pedestrian rerouting during sidewalk closures. The current fee structure is based on the size of the excavation. Engineering would like to consider a fee structure based on length of impact to encourage a reduction in the duration of the excavation.

The average number of excavation permits issued over the last 12 years is about 2,350/year. There is an average of about 145 street cuts per year in the same timeframe. Each street cut requires a street patch to restore the roadway and these street patches tend to fail at a higher rate than streets that have not been patched. This additional maintenance is something that Public Works has to manage as patches fail. If the problem is large enough, Engineering will create a project to fix spot repairs in the City. Currently the average permit fee for a street excavation is just under \$70.

Recommended Motion:

Authorize City Attorney to rewrite Section 18-09 Excavation Code.



MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

**FROM: MAYOR DR. TIMOTHY MAHONEY, PD LIAISON COMMISSIONER
COMMISSIONER TONY GEHRIG**

DATE: JANUARY 24, 2022

**SUBJECT: DISCUSS THE FORMATION OF A FARGO POLICE DEPARTMENT
PERFORMANCE ACTION PLAN**

On January 18, 2022, the City Commission held an informational meeting with Police Chief David Zibolski and representatives of the Fargo Police Department to discuss concerns related to Police Department operations. Issues discussed at the 1/18/22 City Commission meeting included:

- Police Department staffing levels;
- Patrol shift schedules and the deployment of staff resources;
- Officer safety and wellness; and
- Police Department employee satisfaction

Following the presentation by the Police Chief and his command staff, we believe it is imperative that the City Commission discuss forming a framework to improve conditions at the Fargo Police Department. The Performance Action Plan, discussed below, is intended to send a clear and unequivocal message of support for the department, and to impart a sense of urgency on the Police Chief to improve operations and culture in the Fargo Police Department. This is a priority that is to be shared by all members of the City Commission at this moment in time for the Fargo Police Department.

Formation of a Performance Action Plan

It is the desire of the City Commission to create a strategic, and measurable, Performance Action Plan to address the recent issues presented to the City Commission. At the direction of the City Commission, the proposed plan will be developed by the Police Department Liaison Commissioner, City Administration, and the Human Resources Department, and will serve as an improvement plan for the Police Chief and the department as they mutually endeavor to improve departmental conditions.

Suggested Motion: I move to direct the Police Department Liaison Commissioner, City Administration, and the Human Resources Department to develop and implement a strategic, and measurable, Performance Action Plan for Chief Zibolski to address the issues outlined in this memorandum and presented at the January 18, 2022 City Commission meeting. The Police Chief is further directed to provide a progress report, at regular intervals, on the Performance Action Plan to the City Commission over the next 6 months following its implementation.

Attachment: Fargo Police Department Performance Action Plan Graphic





42a

January 7, 2022

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4328 Timberline Dr S as submitted Donald and Susan Morton. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 3 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$1050 with the City of Fargo's share being \$180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

| | | | |
|--|---------------------------|---|-------------------|
| 1. Name of Property Owner | Donald & Susan Morton | Phone No. | 701-306-6230 |
| 2. Address of Property | 4328 Timberline Dr S | | |
| City | FARGO | State | ND Zip Code 58104 |
| 3. Legal description of the property for which the exemption is being claimed. | Blk 3, Lot 24, Timberline | | |
| 4. Parcel Number | 01-3210-00380-000 | Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/> | |
| 5. Mailing Address of Property Owner | Same | | |
| City | | State | Zip Code |

Description Of Improvements For Exemption

| | | | |
|---|--|---------------|------|
| 6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). | finish lower level that has just been a "basement": bath, bedroom, workout room, TV room. Upstairs: add 1 bath and remodel master bath | | |
| 7. Building Permit No. | 21090181 | 8. Year Built | 1996 |
| 9. Date of Commencement of making the improvement | 10-18-21 | | |
| 10. Estimated market value of property before improvement | \$ | 650,000 | |
| 11. Cost of making the improvement (all labor, material and overhead) | \$ | 80,000 | |
| 12. Estimated market value of property after improvement | \$ | 730,000 | |

Applicant's Certification and Signature

| |
|---|
| 13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption. |
| Applicant's Signature <u>Susan J Morton</u> Date <u>12-20-21</u> |

Assessor's Determination

| |
|---|
| 14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s): |
| Assessor's Signature <u>Walter J. Lamberto</u> Date <u>1-11-2022</u> |

Action of Governing Body

| |
|--|
| 15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/> |
| Approval subject to the following conditions: |
| Chairman of Governing Body _____ Date _____ |



426

January 18, 2022

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2127 Rose Creek Dr. S as submitted Nicole and Kelan Oster. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 3 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$150 with the City of Fargo's share being \$25.

Sincerely,

Mike Splonskowski
City Assessor

nlb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

| | | | |
|--|-------------------------------------|--|---------------------------------|
| 1. Name of Property Owner | <u>Nicole & Kelan Oster</u> | Phone No. | <u>701/710-0411</u> |
| 2. Address of Property | <u>2127 Rose Creek Dr. S.</u> | | |
| City | <u>FARGO</u> | State | <u>ND</u> Zip Code <u>58104</u> |
| 3. Legal description of the property for which the exemption is being claimed. | <u>Lot 7 Block 3 Rose Creek 2nd</u> | | |
| 4. Parcel Number | <u>01-2483-00250-000</u> | Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/> | |
| 5. Mailing Address of Property Owner | <u>Same</u> | | |
| City | | State | Zip Code |

Description Of Improvements For Exemption

| | |
|---|-----------------------------|
| 6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). | <u>Refinish Lower Level</u> |
| 7. Building Permit No. | <u>21090105</u> |
| 8. Year Built | <u>1991</u> |
| 9. Date of Commencement of making the improvement | <u>9/14/21</u> |
| 10. Estimated market value of property before improvement | <u>\$ 344,700</u> |
| 11. Cost of making the improvement (all labor, material and overhead) | <u>\$ 70,000</u> |
| 12. Estimated market value of property after improvement | <u>\$ 356,200</u> |

Applicant's Certification and Signature

| |
|---|
| 13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption. |
| Applicant's Signature <u>Nicole Oster</u> Date <u>12-15-21</u> |

Assessor's Determination

| |
|---|
| 14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s): |
| Assessor's Signature <u>Wade Johnson</u> Date <u>1-11-2022</u> |

Action of Governing Body

| |
|--|
| 15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/> |
| Approval subject to the following conditions: |
| Chairman of Governing Body _____ Date _____ |



42c

January 7, 2022

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1529 Broadway N as submitted Jade and Laney Witty. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$220 with the City of Fargo's share being \$40.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

| | | | |
|--|--|--|---------------------------------|
| 1. Name of Property Owner | <u>Jade Witty</u> | Phone No. | <u>701-730-0218</u> |
| 2. Address of Property | <u>1529 Broadway N</u> | | |
| City | <u>FARGO</u> | State | <u>ND</u> Zip Code <u>58102</u> |
| 3. Legal description of the property for which the exemption is being claimed. | <u>Lot 5, Block 1, Hogens Addition</u> | | |
| 4. Parcel Number | <u>01-1280-00050-000</u> | Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/> | |
| 5. Mailing Address of Property Owner | <u>1529 Broadway N</u> | | |
| City | <u>Fargo</u> | State | <u>ND</u> Zip Code <u>58102</u> |

Description Of Improvements For Exemption

| | | | |
|---|---|---------------|-------------|
| 6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). | <u>Finished basement - added Bedroom and bathroom</u> | | |
| 7. Building Permit No. | <u>2011-0812-REN</u> | 8. Year Built | <u>1941</u> |
| 9. Date of Commencement of making the improvement | <u>11-25-2020</u> | | |
| 10. Estimated market value of property before improvement | <u>\$ 170,000</u> | | |
| 11. Cost of making the improvement (all labor, material and overhead) | <u>\$ 10,000</u> | | |
| 12. Estimated market value of property after improvement | <u>\$ 190,000</u> | | |

Applicant's Certification and Signature

| |
|---|
| 13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption. |
| Applicant's Signature <u>[Signature]</u> Date <u>12-28-21</u> |

Assessor's Determination

| |
|---|
| 14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s): |
| Assessor's Signature <u>[Signature]</u> Date <u>1-11-2022</u> |

Action of Governing Body

| |
|--|
| 15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/> |
| Approval subject to the following conditions: |
| Chairman of Governing Body _____ Date _____ |

Submit Via Email



42d

January 7, 2022

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1118 9 St S as submitted Kevin and Kristina Lau. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$365 with the City of Fargo's share being \$65.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

| | |
|--|---------------------------------------|
| 1. Name of Property Owner <u>Kevin Lau</u> | Phone No. <u>701-388-7481</u> |
| 2. Address of Property <u>1118 9 ST S</u> | |
| City <u>FARGO</u> | State <u>ND</u> Zip Code <u>58103</u> |
| 3. Legal description of the property for which the exemption is being claimed. <u>Blk HH LOT 20-21-22</u> | |
| 4. Parcel Number <u>01-0780-00780-000</u> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/> | |
| 5. Mailing Address of Property Owner <u>SAME</u> | |
| City _____ | State _____ Zip Code _____ |

Description Of Improvements For Exemption

| | |
|---|--|
| 6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). <u>Replace cabinets, Move interior door, make pantry for hall way, and move washer and dryer</u> | |
| 7. Building Permit No. <u>21040868</u> | 8. Year Built <u>1925</u> |
| 9. Date of Commencement of making the improvement <u>05/11/2021</u> | |
| 10. Estimated market value of property before improvement | <u>\$ 360,000.00</u> - as appraised before remodel began |
| 11. Cost of making the improvement (all labor, material and overhead) | <u>\$ 110,000.00</u> |
| 12. Estimated market value of property after improvement | <u>\$ 430,000.00</u> |

Applicant's Certification and Signature

| | |
|---|----------------------|
| 13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption. | |
| Applicant's Signature <u>[Signature]</u> | Date <u>12/30/21</u> |

Assessor's Determination

| | |
|---|-----------------------|
| 14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s): | |
| Assessor's Signature <u>[Signature]</u> | Date <u>1-11-2022</u> |

Action of Governing Body

| | |
|--|------------|
| 15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/> | |
| Approval subject to the following conditions: _____ | |
| Chairman of Governing Body _____ | Date _____ |

Submit Via Email



42e

January 5, 2022

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1212 7 St S as submitted Melissa and Aaron Rohrich. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$75 with the City of Fargo's share being \$15.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Spionkowski".

Mike Spionkowski
City Assessor

nlb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

| | | |
|----|---|---------------------------------------|
| 1. | Name of Property Owner <u>Melissa & Aaron Rohrich</u> | Phone No. _____ |
| 2. | Address of Property <u>1212 7 St S</u> | |
| | City <u>FARGO</u> | State <u>ND</u> Zip Code <u>58103</u> |
| 3. | Legal description of the property for which the exemption is being claimed. <u>Lot 18, 19 & 20</u> <u>Blk NN Erskines</u> | |
| 4. | Parcel Number <u>01-0780-01230-000</u> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/> | |
| 5. | Mailing Address of Property Owner <u>1212 7 St S</u> | |
| | City <u>Fargo</u> | State <u>ND</u> Zip Code <u>58103</u> |

Description Of Improvements For Exemption

| | | |
|-----|--|---------------------------|
| 6. | Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). <u>ADDITIONAL 3/4 BATH ON</u> <u>LOWER FLOOR</u> | |
| 7. | Building Permit No. <u>2012 0832</u> | 8. Year Built <u>1913</u> |
| 9. | Date of Commencement of making the improvement <u>2021</u> | |
| 10. | Estimated market value of property before improvement | \$ <u>415,300</u> |
| 11. | Cost of making the improvement (all labor, material and overhead) | \$ <u>5,000</u> |
| 12. | Estimated market value of property after improvement | \$ <u>420,300</u> |

Applicant's Certification and Signature

| | |
|---|----------------------|
| 13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption. | |
| Applicant's Signature <u>[Signature]</u> | Date <u>12/30/21</u> |

Assessor's Determination

| | |
|---|-----------------------|
| 14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s): _____ | |
| Assessor's Signature <u>[Signature]</u> | Date <u>1-11-2022</u> |


Action of Governing Body

| | |
|--|------------|
| 15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/> | |
| Approval subject to the following conditions: _____ | |
| Chairman of Governing Body _____ | Date _____ |

Submit Via Email

43

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS
FROM: MAYOR TIMOTHY J. MAHONEY 
DATE: JANUARY 24, 2022
SUBJECT: RENAISSANCE ZONE AUTHORITY APPOINTMENT

The term of Dean Bresciani on the Renaissance Zone Authority expired on January 1, 2022.

Mr. Bresciani is willing to continue serving on the Board and I am recommending his reappointment.

Your favorable consideration of this recommendation is greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Dean Bresciani to the Renaissance Zone Authority for a three-year term ending January 1, 2025.

mmappt22rza